

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

NATHAN OCHSNER
CLERK OF COURT

P.O. BOX 61010
HOUSTON, TEXAS 77208

July 29, 2021

Mr. Charles C. Smith
615 N. Upper Broadway, Suite 1710
Corpus Christi, Texas 78401

Ms. Melissa Jean Judd
Littler Mendelson PC
1301 McKinney; Suite 1900
Houston, Texas 77010

In re: Cause No. 2:13-CV-200; Liza Trevino v. Wal-Mart Stores Texas, LLC

Dear Mr. Smith and Ms. Judd:

I have been contacted by Judge Ramos who presided over the above-mentioned case.

Judge Ramos informed me that it has been brought to her attention that while she presided over the case, she owned stock in Walmart Stores, Inc. Her ownership of stock neither affected nor impacted her decisions in this case. However, her stock ownership would have required recusal under the Code of Conduct for United States Judges, and thus, Judge Ramos directed that I notify the parties of the conflict.

Advisory Opinion 71, from the Judicial Conference Codes of Conduct Committee, provides the following guidance for addressing disqualification that is not discovered until after a judge has participated in a case:

[A] judge should disclose to the parties the facts bearing on disqualification as soon as those facts are learned, even though that may occur after entry of the decision. The parties may then determine what relief they may seek, and a court (without the disqualified judge) will decide the legal consequence, if any, arising from the participation of the disqualified judge in the entered decision.

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Although Advisory Opinion 71 contemplated disqualification after a Court of Appeals oral argument, the Committee explained “[s]imilar considerations would apply when a judgment was entered in a district court by a judge, and it is later learned that the judge was disqualified.”

With Advisory Opinion 71 in mind, you are invited to respond to Judge Ramos’s disclosure of a conflict in this case. Should you wish to respond, please submit your response on or before August 19, 2021. Any response will be considered by another judge of this court without the participation of Judge Ramos.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan Ochsner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nathan Ochsner
Clerk of Court